

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)		Docket Number (Optional) 016354-005213US
First named inventor: Keith G. Lurie	Art Unit: 3772	
Application Number: 10/796,875	Examiner: Nihir B. Patel	
Filed: March 8, 2004		
Title: VENTILATOR AND METHODS FOR TREATING HEAD TRAUMA AND LOW BLOOD CIRCULATION		
<p>Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p>		
<p>NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.</p>		
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.</p>		
<p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.</p>		
<p>NOTE: A grantable petition requires the following items:</p>		
<ul style="list-style-type: none"> (1) Petition fee. (2) Reply and/or Issue fee. (3) Terminal disclaimer with disclaimer fee — required for all utility and plant applications filed before June 8, 1995, and for all design applications; and (4) Adequate showing of the cause of unavoidable delay. 		
<p>1. Petition fee</p>		
<p><input checked="" type="checkbox"/> Small entity — fee \$ <u>250.00</u> (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27.</p>		
<p><input type="checkbox"/> Other than small entity — fee \$ _____ (37 CFR 1.17(l)).</p>		
<p>2. Reply and/or fee</p>		
<p>A The reply and/or fee to the above-noted Office action in the form of <u>Communication</u> (identify the type of reply):</p>		
<p><input checked="" type="checkbox"/> has been filed previously on <u>October 19, 2006</u>.</p>		
<p><input checked="" type="checkbox"/> is enclosed herewith.</p>		
<p>B The issue fee of \$ _____</p>		
<p><input type="checkbox"/> has been paid previously on _____.</p>		
<p><input type="checkbox"/> is enclosed herewith.</p>		

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UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. For fees authorized to be paid hereinabove, the Commissioner is hereby authorized to charge the fees, any deficiency of fees, and credit of any overpayments, to Deposit Account No. 20-1430.

5. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

<u>/darin j gibby/</u>	September 10, 2007
Signature	Date
<hr/>	
<u>Darin J. Gibby</u>	38,464
Type or printed name	Registration Number, if applicable
<hr/>	
<u>1200 17th Street, Suite 2700</u>	(303) 571-4000
Address	Telephone Number
<hr/>	
<u>Denver, Colorado 80202</u>	
Address	

Enclosure

Fee Payment

Reply (Communication with Terminal Disclaimers)

Terminal Disclaimer Form

Additional sheets containing statements establishing unavoidable delay

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

I hereby certify that this correspondence is being filed via EFS-Web with the United States Patent and Trademark Office on the date listed below.

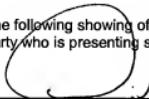
September 10, 2007
Date

/connie larson/
Signature

Connie Larson
Typed or printed name of person signing certificate

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NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.



Signature

9/10/07
Date

DARIN GIBBY

Typed or printed name

28464

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

(Please attach additional sheets if additional space is needed.)